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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,886	02/14/2001	Dan Kikinis	004688.P010	3801

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EXAMINER

LEWIS, ADAM M

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/24/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,886

Applicant(s)

KIKINIS ET AL.

Examiner

Adam M. Lewis

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/21/01 - 02/14/01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It appears that applicant intended claim 8 to be formed in the alternative as it would be impractical to use all four input devices listed at the same time to utilize the claimed invention. Claim 8 will be examined under the assumption that the word "and" in line 4 of claim 8 is "or."

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 10 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in Paper No. 1 filed February, 14th 2001. In that paper, applicant has stated "other methods of indicating the active dial may include a halo for the active dial, blinking of the active dial, change of color, etc., and this statement indicates that the invention is different from what is defined in the claim(s) because the claim recites the conjunction "and" implying that all of the indications are to be represented simultaneously.

It appears that applicant intended claim 10 to be formed in the alternative, as it would be contradictory to the filed disclosure. Claim 10 will be examined under the assumption that the word "and" on line 2 of claim 10 is "or."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by IBM Technical Disclosure Bulletin ("IBM", *New method of Setting Time by One Mouse Operation*, vol. 40, No. 03, Mar. 1997).

As per independent claim 1, IBM teaches a method for inputting time in a video environment, comprising:

displaying an analog-type mechanism having an hour hand grab mechanism and a minute hand grab mechanism (IBM, Fig. 1),

wherein the hour hand grab mechanism may be pulled with a user input device to set a desired hour (IBM, Fig. 2; Paragraph 1), and

wherein the minute hand grab mechanism may be pulled with the user input device to set a desired minute (IBM, Fig. 2; Paragraph 1); and

displaying a day/evening selector, wherein day or evening may be selected with the user input device (IBM, Figs. 1-2).

As per claim 2, which is dependent on claim 1, IBM teaches the method according to claim 1, wherein displaying an analog-type time mechanism, further comprises displaying a first analog-type time mechanism having the hour hand grab mechanism; and displaying a second analog-type time mechanism having the minute hand grab mechanism (IBM, Figs. 1-2).

As per independent claim 3, IBM teaches a device for inputting time in a video environment, comprising:

an analog-type mechanism having an hour hand grab mechanism connected to an hour hand and a minute hand grab mechanism connected to a minute hand,

wherein the hour hand grab mechanism may be pulled with an user input device to set a desired hour, and

wherein the minute hand grab mechanism may be pulled with the user input device to set a desired minute; and

a day/evening selector, wherein day or evening may be selected with the user input device (IBM, Figs. 1-2).

As per claim 4, which is dependent on claim 1, IBM teaches the device according to claim 1, wherein the analog-type time mechanism, further comprises a first analog-type time mechanism having the hour hand grab mechanism; and a second analog-type time mechanism having the minute hand grab mechanism (IBM, Figs. 1-2).

As per independent claim 12, IBM teaches a system for inputting time in a video environment, comprising:

means for displaying an analog-type mechanism having an hour hand grab mechanism and a minute hand grab mechanism, wherein the hour hand grab mechanism may be pulled with an user input device to set a desired hour, and wherein the minute hand grab mechanism may be pulled with the user input device to set a desired minute; and

means for displaying a day/evening selector, wherein day or evening may be selected with the user input device (IBM, Figs. 1-2).

As per claim 13, which is dependent on claim 12, IBM teaches the system according to claim 12, wherein means for displaying an analog-type time mechanism, further comprises means for displaying a first analog-type time mechanism having the hour hand grab mechanism; and means for displaying a second analog-type time mechanism having the minute hand grab mechanism (IBM, Figs. 1-2).

As per independent claim 14, IBM teaches a computer-readable medium having stored thereon a plurality of instructions for inputting time in a video environment, said plurality of instructions when executed by a computer, cause said computer to perform:

displaying an analog-type mechanism having an hour hand grab mechanism and a minute hand grab mechanism, wherein the hour hand grab mechanism may be pulled with an user input device to set a desired hour, and wherein the minute hand grab mechanism may be pulled with the user input device to set a desired minute; and

displaying a day/evening selector, wherein day or evening may be selected with the user input device (IBM, Figs. 1-2).

As per claim 15, which is dependent on claim 14, IBM teaches the computer-readable medium of claim 14 having stored thereon additional instructions, said additional instructions when executed by a computer, cause said computer to further perform:

displaying a first analog-type time mechanism having the hour hand grab mechanism; and displaying a second analog-type time mechanism having the minute hand grab mechanism (IBM, Figs. 1-2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM in view of Cash ("Cash", US# 4,759,002),

As per claim 5, which is dependent on claim 4, IBM teaches an analog clock system with a day and night selector as described above. IBM does not teach the day and night selections being indicated by a sun and moon respectively.

Cash teaches an analog clock including a dial with a sun and moon to designate the day and night hours (Cash, Figs. 1-4; col. 1, lines 49-64). The dial is used in telling time as well as for setting time. It would have been obvious to one skilled in the art at the time of invention to use the sun and moon depictions of Cash in the day/night selector of IBM because they would provide a more easily distinguishable way in which to set the accurate time.

As per claim 6, which is dependent on claim 5, IBM does not teach the device of claim 5, wherein the hour hand moves towards a next hour marking when the minute hand is pulled. OFFICIAL NOTICE is taken that the relationship exhibited between movement of the minute and hour hands on a clock is well known in the clock art. It would have been obvious to one skilled in the art at the time of invention to incorporate the movement relationship into the clock representation of IBM and Cash because it would more accurately model its physical analogue.

8. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM in view of Cash as applied to claims 5 and 6 above, and further in view of Horzick ("Horzick", US# 3,803,831).

As per claim 7, which is dependent on claim 6, the invention of IBM in view of Cash does not teach the device of claim 6, wherein the analog-time mechanism is divided into a neutral region, a minute region, and an hour region,

wherein each region has an associated color,

wherein the hour region is between a twelve position and the hour hand,

wherein the minute region is between the twelve position and the minute hand,

but does not include the hour region, and

wherein the neutral region does not include the hour region and the minute region.

Horzick teaches a visual indication apparatus with rotatable discs. Horzick further teaches a plurality of discs rotating in relation to one another causing a continually expanding zone of color (Horzick, col. 1, lines 52-57). Furthermore, Horzick

teaches using these several discs as minute, hour, and second indications as in a clock (Horzick, col. 1, lines 57-62). Accordingly, as the discs rotate they provide three distinct regions which, in a clock system, relate to an hour region, a minute region, and a neutral region, each of which are mutually exclusive (Horzick, Fig. 1).

It would have been obvious to one skilled in the art at the time of invention to use the color/region system of Horzick in the analog clock system of IBM and Cash because it would provide an improved visual indicator apparatus for a timepiece which an immediate and accurate indication of time at a glance (Horzick, col. 1, lines 32-35).

As per claim 8, which is dependent on claim 7, IBM further teaches the use of a mouse to set both the time and minute in the analog clock system (IBM, Paragraph 1).

As per claim 9, which is dependent on claim 8, Horzick further teaches the device of claim 8, wherein the first and second analog-type mechanisms include an indicator to indicate if the first or second mechanism is active by the changing size and color of the regions representing the hours, minutes, and seconds (Horzick, col. 1, lines 52-62).

As per claim 10, which depends on claim 9, Horzick further teaches the device of claim 9, wherein the indicator comprises a halo, a blinking effect, a cursor, or a changing color effect (Horzick, col. 1, lines 52-62).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over IBM, Cash, and Horzick as applied to claims 7-10 above, and further in view of Jackson ("Jackson", US# 4,081,754).

As per claim 11, the invention of IBM, Cash, and Horzick does not teach the device of claim 10, wherein the device is used for inputting program preview times, program end times, program start recording times, and program end recording times.

Jackson teaches an analog type clock system that can be used to turn a video system on or off as well as record programs (Jackson, col. 6, lines 65-68 and col. 7, lines 1-10).

It would have been obvious to one skilled in the art at the time of invention to use the analog television recording time system of Jackson in the analog clock system of IBM, Cash, and Horzick because it would provide the user with immediate feedback with regards to the times being set.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Capps et al. (US# 5,487,054) teaches a method and apparatus for setting a clock in a computer system.

Fleming (US# 5,247,284) teaches a graphical method of inputting time values.

Hattori (US# 4,456,385) teaches an interpolating time set apparatus.

Keaney (US# 5,088,440) teaches a color changing indicator for an indicating apparatus.


Lorello (US# 5,422,864) teaches a composite faced, color coded minute clock.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

al



ADAM M. LEWIS
PRIMARY EXAMINER